HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL NO.1093 OF 2006

Between:

N. Muttu & others

..... Appellants

AND

Government of Andhra Pradesh,
Rep. by its Secretary (Revenue),
Hyderabad & others

.....Respondents

:: J U D G M E N T::

Counsel for the appellants : Shri P. Venu Gopal

Dated: 26.10.2006

Per G.S.SINGHVI, CJ

This appeal is directed against order dated 22nd August, 2006 passed by the learned Single Judge in Writ Petition No.4730 of 2004.

The appellants, who do not fall within the definition of 'landless poor person' under Section 2(3) of the Andhra Pradesh Assigned lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), managed to purchase assigned lands measuring Ac.26.92 cents situated in Survey Nos. 304/1 to 6 of Chinna Eatipakam Village under various registered sale deeds from landless poor. Unfortunately for them, the then Mandal Revenue Officer took cognizance of the blatant breach of Section 3(2) of the Act and initiated proceedings for recovery of the assigned lands. He passed order dated 16.05.1996 for restoration of the assigned lands. Revision preferred by the appellants was dismissed by Deputy Secretary to the Government, Revenue Department, vide his order dated 08.06.2000. While doing so, the officer concerned made an observation that if the petitioners have approached the District Collector for assignment of the lands, the case may be examined as per rules of market value and the officer may submit proposal to Government for necessary action. Paragraphs 5, 6 and 7 of that order read as under:

> "5. Government after careful examination of the records and revision petition filed by Sri N.Muttu and

others, it is observed that the revision petitioners who are said to be joint family and the lands in question were purchased through registered sale deeds 666/87, 667/87 and 668/87 and 728/87 and 665/87, dt.26.8.1987 and 729/87, dt.16.9.1987. As the DKT lands were alienated to assignees against the provisions contained in A.P. Assigned Lands (Prohibition of Transfer) Act, 1977, Sections 3(2), 3(3). As such, the assignment of the said lands were cancelled by the MRO and requested the Government after observing all formalities.

6. In view of the above, Government hereby reject the revision petition filed by Sri N.Muttu and others, r/o. Chinnetipaka, Satyavedu Mandal, Chittoor District as the R.P. deserves no consideration. The stay granted in Government Memo 2nd cited is hereby vacated.

7. The Collector, Chittoor District is requested to resume the said lands to Government and if the revision petitioners have approached him, for assignment of the said lands, the case may be examined as per rules on market value and send proposals to Government for necessary action."

By taking advantage of the above-noted unwarranted observation recorded in the revisional order, the appellants manipulated the State apparatus up to the level of Joint Secretary, Revenue Department, who approved the recommendations made by the Collector for sale of assigned lands to the appellants at the market value. However, the Government rejected the recommendations made by the concerned authorities and refused to sanction sale of lands to the appellants, who were conveyed with this decision vide Memo No.44056/Assn.IV(2)/2003-1, dated 24.11.2003.

The appellants questioned the decision of the Government

in Writ Petition No.4730 of 2004, but could not persuade the learned Single Judge to annul the said decision. The learned Single Judge observed that the recommendations made by the District Collector were not binding on the Government and the latter did not commit any error by refusing to approve the transfer of assigned lands in favour of the writ petitioners (appellants herein).

Shri P. Venu Gopal, learned counsel for the appellants invoked the doctrine of legitimate expectation and argued that the respondents should be directed to transfer the lands in question in favour of his clients because they are in possession for last about twenty years and they have spent huge amount to develop the land. He submitted that the recommendations made by the District Collector and the Joint Secretary do not, in any manner, violate the provisions of the Act and, therefore, the State Government may be ordained to formally transfer the property in favour of the appellants.

In our opinion, there is no merit in the argument of the learned counsel. The doctrine of legitimate expectation is one of the various doctrines evolved by the Court for exercise of equity jurisdiction. However, the said doctrine cannot be invoked for compelling a public authority to act in violation of the statutory provisions. In the present case, the transaction involving transfer of land in favour of the appellants was nullity. This position was duly recognized by the Mandal Revenue Officer when he cancelled the sale transaction. The order of the Mandal Revenue Officer was confirmed by the revisional authority. The appellants did not

challenge order dated 8.6.2000 passed by Deputy Secretary to the Government, Revenue Department. Therefore, that order will be deemed to have become final. As a corollary, it must be held that the recommendations made by the District Collector and the Joint Secretary, Revenue Department cannot be enforced by issuing a mandamus to transfer the lands in favour of the appellants, who are not eligible for assignment of land. Any such direction by the Court would result in violation of the mandate of Sections 3 and 4 of the Act and we do not see any valid ground or justification to issue such a direction.

Section 5 of the Act on which reliance has been placed by Shri P. Venu Gopal for sustaining his clients' claim is of no help to them. That section merely incorporates a non-obstante clause and declares that notwithstanding anything contained in the Registration Act, 1908, no registering authority shall accept for registration of any document relating to transfer of or the creation of any interest in any assigned land included in a list of assigned lands in the District, which shall be prepared by the District Collector and furnished to the registering officer except after obtaining prior permission of the District Collector. This section does not empower the Government to regularize an illegal transfer of the assigned land.

No other point has been argued.

For the reasons mentioned above, we hold that the order under challenge does not suffer from any legal error warranting interference and the appeal is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the appeal, W.A.M.P.No.2307 of 2006 filed by the appellants for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

26.10.2006

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